

R33 011 - Gaudet testimony in Nevada case Murray v. Jowdy (December 2010)

Jowdy's Nevada defense attorneys had Robert Gaudet confirm his "witness" signature on the 2004 Hawai'i loan agreement and then authenticated it to support Jowdy's defense theory -- as follows --

24 Q Did you ever sign as a witness on Mr. Kenner's
25 behalf for a revolving line of credit at any time?

1 A Yes, I did.
2 MR. RICHARDS: Withdrawn.
3 THE WITNESS: Yes, I did.
4 BY MS. LEE:
5 Q And when did you sign that agreement?
6 A I don't recall, but it was at a party, an event.

Then -- they asked Gaudet again about his signature --

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17 Q If you could turn to Exhibit A-89. Are you there?
18 A I am here, yes.
19 Q Can you turn to the second page of that exhibit,
20 please?
21 A Yes.
22 Q Is that your signature there as witness?
23 A Yes, it is.
24 Q Do you recall signing this?
25 A I do.

Jowdy's attorneys admitted the 2004 Hawai'i RLOC into evidence --

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3 Q And can you tell the Court what date this document
4 was entered into?
5 A 12/7/2004.
6 MS. LEE: Your Honor, I'd like to move to admit this
7 exhibit. He's authenticated his signature on it.
8 MR. RICHARDS: No objection.
9 THE COURT: Okay. It's admitted.
10 [Defendant's Exhibit A-89 Received]

Jowdy's
attorney...
Ms. Lee

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14 BY MS. LEE:
15 Q So this revolving line of credit -- and I'm not
16 asking you to testify as to its contents. But that's your
17 signature on this revolving line of credit, as a witness for
18 Phil Kenner; is that right?
19 A I witnessed two signatures. And the person that I
20 knew was Ken Jowdy. I was just asked to witness two
21 signatures. So --
22 Q So Mr. Jowdy facilitated your signature on this
23 document; is that what you're saying?
24 A I'm sorry?
25 Q Mr. Jowdy facilitated your signature on this

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1 personal line of credit? Is that --
2 A He requested for me to witness, yes.
3 Q Did you actually sit down and witness it? Did you
4 sit there and look at Mr. Kenner while he was signing this
5 document?
6 A I witnessed two signatures, correct.
7 Q But when you say witness, what does that mean to
8 you?
9 A I watched two signatures.
10 Q So you watched Mr. Kenner sign this document?
11 A Correct.
12 Q And on the first page, that was back in December of
13 2004, correct?
14 A That is correct.

In fact – Gaudet went on to testify that Jowdy was so secretive about all of his business dealings that Gaudet – *Jowdy's Diamanté Cabo Director of Golf* – was not even aware that Kenner was an owner (*in fact -- the largest individual owner*) in the Cabo project at the time of the March 2006 closing.

19 Q Did you have any understanding that he owned part of
20 the project in Cabo San Lucas?
21 A Again, specifically at that timeframe in early '06,
22 no, I did not.